

# UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America v. BRODERICK EDWARD GRAVES Date of Previous Judgment: <u>5/16/1994</u> (Use Date of Last Amended Judgment if Applicable)	) ) ) ) ) ) )	Case No: <u>3:93CR00133-004</u> USM No: <u>10764-058</u> <u>Noell Tin</u> Defendant's Attorney
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## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of Life months **is reduced to** 360.

### I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: <u>43</u>	Amended Offense Level: <u>42</u>
Criminal History Category: <u>I</u>	Criminal History Category: <u>I</u>
Previous Guideline Range: <u>Life</u> to <u>Life</u> months	Amended Guideline Range: <u>360</u> to <u>Life</u> months

### II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

### III. ADDITIONAL COMMENTS


Upon release from imprisonment, and absent a residential plan accepted by the U.S. Probation Officer prior to release from incarceration, it is ordered that as a condition of supervised release the defendant shall submit to the local Residential Reentry Center for a period not to exceed 90 days, with work release, at the direction of the U.S. Probation

Except as provided above, all provisions of the judgment dated 5/16/1994 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: June 9, 2009

Effective Date: \_\_\_\_\_  
 (if different from order date)

  
 Frank D. Whitney  
 United States District Judge

